

Livestock and Crop Theft Bill House File 2487

Last Action:

House Floor

April 23, 2018

An Act relating to the assessment of an agricultural property offense surcharge on criminal offenses involving crops, livestock, or honeybees and making an appropriation.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis

LSA Staff Contacts: Laura Book (515.205.9275) Deb Kozel (515.281.6767)

NEW PROGRAMS, SERVICES, OR ACTIVITIES

Specifies that the Agricultural Property Offense Surcharge will be assessed at 35.0% of the fine or forfeiture imposed for the crime committed. The Bill details what types of crimes will be covered by the Agricultural Property Offense Surcharge. This Surcharge will be applied in addition to the 35.0% Criminal Penalty Surcharge and the Law Enforcement Initiative Surcharge. See **Attachments A and B** for the total applicable fines under this Bill and current law. Page 1, Line 27

Specifies that the surcharge will be remitted by the Clerks of the District Courts using the procedure outlined in Iowa Code section 602.8108(5A). Page 2, Line 16

SIGNIFICANT CODE CHANGES

Adds the Agricultural Property Offense Surcharge to the list of surcharges that are collected by the Clerks of the District Courts. Page 1, Line 1

Requires the Clerks of the District Courts to remit funds collected from the Agricultural Property Offense Surcharge to the State Court Administrator. The funds will be appropriated to the Judicial Branch to support its operations. Page 1, Line 5

FISCAL IMPACT: In FY 2017, the collection rate for fines and surcharges assessed on felonies was 10.0%, and the rate for misdemeanors was 12.0%. Based on these collection rates, it is estimated that the Judicial Branch will receive approximately 10.0% of the amount assessed from the Agricultural Property Offense Surcharge. The impact of this Bill cannot be estimated because the current criminal code does not differentiate between theft and agricultural theft.

House File 2487 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
1	1	1	Amend	602.8102.135A
1	5	2	Add	602.8108.5A
1	13	3	Amend	902.9.2
1	20	4	Amend	903.1.4
1	27	5	New	911.5

1 1 Section 1. Section 602.8102, subsection 135A, Code 2018, is
 1 2 amended to read as follows:
 1 3 135A. Assess the surcharges provided by sections 911.1,
 1 4 911.2, 911.2A, 911.2B, 911.2C, 911.3, ~~and 911.4,~~ and 911.5.

Adds the Agricultural Property Offense Surcharge to the list of surcharges that are collected by the Clerks of the District Courts.

1 5 Sec. 2. Section 602.8108, Code 2018, is amended by adding
 1 6 the following new subsection:
 1 7 NEW SUBSECTION 5A. The clerk of the district court shall
 1 8 remit all moneys collected from the agricultural property
 1 9 offense surcharge as provided in section 911.5 to the state
 1 10 court administrator. The moneys are appropriated to the
 1 11 judicial branch for purposes of supporting judicial branch
 1 12 operations.

Requires the Clerks of the District Courts to remit funds collected from the Agricultural Property Offense Surcharge to the State Court Administrator. The funds will be appropriated to the Judicial Branch to support its operations.

FISCAL IMPACT: In FY 2017, the collection rate for fines and surcharges assessed on felonies was 10.00%, and the rate for misdemeanor was 12.00%. Based on these collection rates, it is estimated that the Judicial Branch would receive approximately 10.00% of the amount assessed from the Agricultural Property Offense Surcharge. The impact of this Bill cannot be estimated because the current criminal code does not differentiate between theft and agricultural theft.

1 13 Sec. 3. Section 902.9, subsection 2, Code 2018, is amended
 1 14 to read as follows:
 1 15 2. The surcharges required by sections 911.1, 911.2,
 1 16 911.2A, ~~and 911.3,~~ and 911.5 shall be added to a fine imposed
 1 17 on a class "C" or class "D" felon, as provided by those
 1 18 sections, and are not a part of or subject to the maximums set
 1 19 in this section.

Specifies that the Agricultural Property Offense Surcharge will be added to the fine imposed for a Class C or Class D felony.

1 20 Sec. 4. Section 903.1, subsection 4, Code 2018, is amended
 1 21 to read as follows:
 1 22 4. The surcharges required by sections 911.1, 911.2,
 1 23 911.2A, 911.3, ~~and 911.4,~~ and 911.5 shall be added to a fine
 1 24 imposed on a misdemeanor as provided in those sections,
 1 25 and are not a part of or subject to the maximums set in this
 1 26 section.

Specifies the Agricultural Property Offense Surcharge will be added to the fine imposed for an aggravated misdemeanor.

1 27 Sec. 5. NEW SECTION 911.5 AGRICULTURAL PROPERTY OFFENSE
 1 28 SURCHARGE.

1 29 1. In addition to any other surcharge, the court or clerk
 1 30 of the district court shall assess an agricultural property
 1 31 offense surcharge equal to thirty-five percent of the fine or
 1 32 forfeiture imposed upon a conviction for committing any of the
 1 33 following:

1 34 a. Theft of agricultural property under section 714.2,
 1 35 subsection 1, 2, or 3.

2 1 b. Criminal mischief under section 716.3, 716.4, or 716.5,
 2 2 by damaging, defacing, altering, or destroying agricultural

Specifies that the Agricultural Property Offense Surcharge will be assessed at 35.00% of the fine or forfeiture imposed for the crime committed and details what types of crimes will be covered by the Agricultural Property Offense Surcharge. This Surcharge will be applied in addition to the 35.00% Criminal Penalty Surcharge and the Law Enforcement Initiative Surcharge. See **Attachments A and B** for the total applicable fines under this Bill and current law.

DETAIL: Theft of agricultural property under Iowa Code sections 714.2, subsection 1, 2, or 3 includes:

2 3 property.
 2 4 2. As used in this section, agricultural property means any
 2 5 of the following:
 2 6 a. A crop as defined in section 717A.1.
 2 7 b. Livestock as defined in section 717.1.
 2 8 c. (1) A colony or package as defined in section 160.1A,
 2 9 or a hive where bees are kept as described in section 160.5,
 2 10 if the department of agriculture and land stewardship is
 2 11 authorized by that chapter to inspect the colony, package, or
 2 12 hive or to regulate the movement of the colony, package, or
 2 13 hive.
 2 14 (2) A queen bee that is part of a colony or is being moved
 2 15 to be part of a colony as described in subparagraph (1).

2 16 3. The surcharge shall be remitted by the clerk of the
 2 17 district court as provided in section 602.8108, subsection 5A.

- Theft of property exceeding \$10,000 in value, or theft in the first degree is a Class C felony.
- Theft of property exceeding \$1,000 but less than \$10,000 in value, or theft in the second degree that is a Class D felony.
- Theft of property exceeding \$500 but less than \$1,000 in value, or theft in the third degree that is an aggravated misdemeanor.

Criminal mischief refers to damaging, defacing, altering, or destroying property as follows:

- If the value is greater than \$10,000: Criminal mischief in the first degree a Class C felony.
- If the value is greater than \$1,000 but less than \$10,000: Criminal mischief in the second degree a Class D felony.
- If the value is greater than \$500 but less than \$1,000: Criminal mischief in the third degree, an aggravated misdemeanor.

The Bill specifies the following as agricultural property:

- An agricultural crop as defined in Iowa Code section 717A.1.
- Livestock as defined in Iowa Code section 717.1.
- A bee colony or package as defined in Iowa Code section 160.1A, or a beehive as defined in Iowa Code section 160.5 (11).
- A queen bee that is part of a colony that is being moved.

Specifies that the Surcharge will be remitted by the Clerks of the District Courts using the procedure outlined in Iowa Code section 602.8108(5A).

HF 2487 — Agricultural Property Offense Surcharge

Penalty	Fine (Min. and Max.)	35.0% Criminal Penalty Surcharge	Law Enforcement Initiative Surcharge	Ag Property Offense Surcharge (35.0%)	Court Costs	Total Fine
Aggr. Misd.	\$625.00	\$218.75	\$125.00	\$218.75	\$60.00	\$1,247.50
	\$6,250.00	\$2,187.50	\$125.00	\$2,187.50	\$60.00	\$10,810.00
Class D Felony	\$750.00	\$262.50	\$125.00	\$262.50	\$60.00	\$1,460.00
	\$7,500.00	\$2,625.00	\$125.00	\$2,625.00	\$60.00	\$12,935.00
Class C Felony	\$1,000.00	\$350.00	\$125.00	\$350.00	\$60.00	\$1,885.00
	\$10,000.00	\$3,500.00	\$125.00	\$3,500.00	\$60.00	\$17,185.00

HF 2487 — Agricultural Property Offense Surcharge

Penalty	Fine (Min. and Max.)	35.0% Criminal Penalty Surcharge	Law Enforcement Initiative Surcharge	Court Costs	Total Fine
Aggr. Misd.	\$625.00	\$218.75	\$125.00	\$60.00	\$1,028.75
	\$6,250.00	\$2,187.50	\$125.00	\$60.00	\$8,622.50
Class D Felony	\$750.00	\$262.50	\$125.00	\$60.00	\$1,197.50
	\$7,500.00	\$2,625.00	\$125.00	\$60.00	\$10,310.00
Class C Felony	\$1,000.00	\$350.00	\$125.00	\$60.00	\$1,535.00
	\$10,000.00	\$3,500.00	\$125.00	\$60.00	\$13,685.00